

REMARKSThe rejections under 35 U.S.C. 112.

Claims 2-24 and 26-31 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The office action states that “[t]here is no recitation to a ‘fixed DC output from the power supply’ only a ‘DC output from the power supply’” (office action, page 3). The term “fixed” in these claims has been deleted.

Accordingly, the rejection for use of the term “fixed” is moot.

Claims 2-24 and 26-31 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The office action states that “[t]he recitation as noted above of a ‘fixed DC output from a power supply regardless of the AC voltage (input)’ (emphasis added) is non-enabling” (office action, page 4). The term “fixed” in these claims has been deleted. Accordingly, the rejection for use of the term “fixed” is moot.

Claims 2-24 and 26-31 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite. The office action states in effect that the recitation of “coupled, coupling,” etc. is indefinite in these claims and “a different AC voltage” in claim 2 is indefinite. The following phrases lack antecedent “the specific voltage” (claim 2, line 3), “the tank” (claim 13, lines 3 and 5) and “the AC voltage” (claim 30, lines 4-5).

The use of the terms “coupled, coupling,” etc. is as suggested in the office action, e.g., to link together. The office action indicates the claims were examined on the basis of “to couple” meaning “to link together” and this is correct. Claim 2 has been amended to recite (in line 3) that the specific voltage is the specific AC voltage and to recite (in lines 4-5) that a different AC voltage is the different AC voltage. These changes to claim 2 appear to overcome the rejection of claim 2. Claim 13 has been amended to recite (in line 3) the heated water tank in place of the tank so as to provide clear antecedent basis. Claim 30 has been rejected for use of “the AC voltage” in lines 4-5. This phrase has been replaced in claim 30.

For all of the above reasons the rejections under 35 U.S.C. 112 appear to be moot and withdrawal of these rejections is requested.

The rejection under 35 U.S.C. 102.

Claims 2, 3, 21-23, 26, 27 and 29-31 stand rejected as anticipated by Kimura (U.S. Patent No. 4,886,955). As stated in the office action (at page 5), Kimura discloses the power supply (capacitor 39) having a DC voltage output of substantially a predetermined value regardless of

the AC voltage within the range of AC voltages. This is not correct. As seen in Fig. 2 of Kimura the value of the capacitor 39 and resistor 36 do not change. If the AC source changes (e.g., from domestic to foreign voltage) the voltage supplied by the capacitor will change. Thus, capacitor 39 is not a DC voltage output of substantially a predetermined value regardless of whether the input is coupled to the domestic AC voltage or the foreign AC voltage as recited in present claims 29-31. Stated differently, if AC source 35 changes from domestic to foreign the DC voltage output provided by capacitor 39 will change, it will not remain a predetermined value regardless of whether the input is coupled to the domestic AC voltage or the foreign AC voltage. For at least these reasons, Kimura does not anticipate claims 29-31 and withdrawal of the rejection is, respectfully, requested.

It is noted that at page 6 of the office action it is urged that (as to claims 29 and 31)

the apparatus being operable by a supply voltage that is either a domestic AC voltage or a foreign AC voltage is being deemed intended use, it has been held that a recitation with respect to the manner in which a claim apparatus/process is intended to be employed does not differentiate the claimed apparatus/process from a prior art apparatus/process satisfying the claimed limitations.

Claims 30 recites a power supply having an input receiving one of a domestic AC voltage source and a foreign AC voltage source (accordingly there is a positive recitation of capability to receive either source) and claim 31 is amended to clarify recitation of a power supply having an input receiving a domestic AC voltage when the beverage heating apparatus is operated domestically and receiving a foreign AC voltage when the beverage heating apparatus is operated in a foreign country. Thus the power supply has the capability that the input receives a domestic AC voltage or a foreign AC voltage. This capability is in combination with the limitation of the power supply having a DC voltage output of substantially a predetermined value regardless of whether the input receives the domestic AC voltage or the foreign AC voltage. This is not intended use, this is a structural capability not taught or suggested by the prior art of record. For all of the above reasons claims 2, 3, 21-23, 26, 27 and 29-31 are not anticipated by Kimura and withdrawal of the rejection is respectfully requested.

The rejections under 35 U.S.C. 103.

Claim 4 stands rejected as obvious over Kimura in view of Miller (U.S. Patent No. 6,100,518). Miller is not cited for and does not make up for the deficiencies noted above in Kimura. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claims 5-7, 11, 16 and 28 stand rejected as obvious over Kimura in view of Herrick et al. (International Publication No. WO 00/11914). Herrick et al. is not cited for and does not make up for the deficiencies noted above in Kimura. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claims 7-12 stand rejected as obvious over Kimura in view of Funk (U.S. Publication No. 2001/0048958). Funk is not cited for and does not make up for the deficiencies noted above in Kimura. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claim 13 stands rejected as obvious over Kimura in view of Herrick et al. (U.S. Patent No. 6,522,834) and Greenwald (U.S. Patent Publication No. 2004/0163546). The '546 publication is by "Sugi Liverani et al." not Greenwald. Herrick et al. and Liverani et al. are not cited for and do not make up for the deficiencies noted above in Kimura. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claim 13 stands rejected as obvious over Kimura in view of Funk and further in view of Liverani et al. Funk and Liverani et al. are not cited for and do not make up for the deficiencies noted above in Kimura. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claims 14, 15 and 17-20 stand rejected as obvious over Kimura in view of Funk and further in view of Liverani et al. Funk and Liverani et al. are not cited for and do not make up for the deficiencies noted above in Kimura. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claims 22-24 stand rejected as obvious over Kimura in view of Jarocki et al. (U.S. Patent No. 6,312,589). Jarocki et al. is not cited for and does not make up for the deficiencies noted above in Kimura. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claims 2-4, 11, 13, 20-23, 26, 27 and 29-31 stand rejected as obvious over Ihlenfeld (U.S. Patent No. 3,869,968) in view of Hirabayashi et al. (U.S. Patent No. 4,937,600). Ihlenfeld discloses a coffee making apparatus having a heater 50 which is coupled to "conventional 120

volt outlet” (column 5, lines 54-55). There is no teaching or suggestion in Ihlenfeld of a power supply having an input receiving one of a domestic AC voltage source and a foreign AC voltage source (as recited in claim 30) nor of a power supply having an input receiving a domestic AC voltage when the beverage heating apparatus is operated domestically and receiving a foreign AC voltage when the beverage heating apparatus is operated in a foreign country (as recited in claim 31) and no teaching or suggestion of the coupling steps of claim 29. This is recognized at pages 19-20 of the office action wherein these deficiencies in Ihlenfeld are acknowledged.

Hirabayashi et al. is cited in the office action for to make up for the deficiencies in Ihlenfeld and the office action urges “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ihlenfeld with a power supply having an input that couples to an AC voltage source....

Hirabayashi et al. discloses an electrophotographic copying apparatus “which can stably operate with plural rated voltage of power sources” (column 2, lines 12-14). Hirabayashi et al. discloses.

A fixing heater drive circuit 33 which receives a signal from a CPU 21 (central processing unit) to control the heat generation of the heater 5 within a predetermined range and a thermoswitch 32 for shutting the energization when the drive circuit 33 fails, are connected to the heater 5. (Column 14, lines 63-68).

The low voltage source 25 and the voltage discrimination circuit 25 of this embodiment can be switched by manual switch between 100 V/115 V side or 200 V/220 V/240 V side. (Column 15, lines 12-16).

Thus, Hirabayashi et al. discloses a “manual switch” to discriminate between 110 V and 200 V supply. Hirabayashi et al. does not make up for the deficiencies in Ihlenfeld because Hirabayashi et al. does not teach or suggest what is missing from Ihlenfeld, a power supply having an input receiving one of a domestic AC voltage source and a foreign AC voltage source (as recited in claim 30) and of a power supply having an input receiving a domestic AC voltage when the beverage heating apparatus is operated domestically and receiving a foreign AC voltage when the beverage heating apparatus is operated in a foreign country (as recited in claim 31) and a teaching or suggestion of the coupling steps of claim 29. Thus, even if Ihlenfeld and Hirabayashi et al. were combined they would not arrive at the claimed invention. On this basis there is no prima facie case of obviousness and the rejection is improper. In addition, there is no

motivation for the alleged combination of Ihlenfeld and Hirabayashi et al. That is, there is nothing in Ihlenfeld that would have suggested to one of ordinary skill in the art to use any of the disclosure in Hirabayashi et al. to modify Ihlenfeld. Ihlenfeld has a single power source from "a conventional 120 volt outlet" and one would not have changed the power circuit in Ihlenfeld by adding structure from Hirabayashi et al. as alleged in the office action since the use the apparatus Ihlenfeld does not need structure disclosed in Hirabayashi et al. For all of these reasons there is no prima facie case of obviousness, the rejection is improper and it should be withdrawn.

Claims 5-7, 11, 16 and 28 stand rejected as obvious over Ihlenfeld and Hirabayashi et al. in view of Herrick et al. Herrick et al. is not cited for and does not make up for the deficiencies noted above in Ihlenfeld and Hirabayashi et al. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claims 7-12 stand rejected as obvious over Ihlenfeld and Hirabayashi et al. in view of Funk. Funk is not cited for and does not make up for the deficiencies noted above in Ihlenfeld and Hirabayashi et al. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claims 14, 15 and 17-19 stand rejected as obvious over Ihlenfeld and Hirabayashi et al. in view of Herrick et al. Herrick et al. is not cited for and does not make up for the deficiencies noted above in Ihlenfeld and Hirabayashi et al. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

Claims 22-24 stand rejected as obvious over Ihlenfeld and Hirabayashi et al. in view of Jarocki et al. Jarocki et al. is not cited for and does not make up for the deficiencies noted above in Ihlenfeld and Hirabayashi et al. Accordingly, on this basis the rejection is not proper and withdrawal is requested.

#### Conclusion.

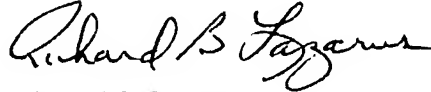
In view of the above amendments and comments it is suggested that the present application with claims 2-24 and 26-31 is in condition for allowance and such action is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (27726-99611).

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Richard B. Lazarus". The signature is fluid and cursive, with the first name "Richard" and last name "Lazarus" clearly legible.

Richard B. Lazarus

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